

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
D'AMATO ET AL.)
)
 Serial No. 10/617,150)
)
 Filed: July 10, 2003)
)
 For: **ESTROGENIC COMPOUNDS AS**)
ANTI-MITOTIC AGENTS)

Art Unit: 1621

Examiner: S. Witherspoon

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OFFICE OF PETITIONS

**PETITION TO WITHDRAW APPLICATION
 FROM ISSUE UNDER 37 C.F.R. §1.313(c)(2) TO PERMIT
 CONSIDERATION OF NEW ART IN A CONTINUING APPLICATION**

Assistant Commissioner for Patents
 Washington, D.C. 20231
 Sir:

The applicant hereby petitions the Office to withdraw the above-identified application from issue to permit consideration of a request for continued examination and Information Disclosure Statement in compliance with 37 C.F.R. § 1.114, filed July 29, 2004. A copy of the request for continued examination and Information Disclosure Statement is attached. The Commissioner is authorized to debit Account No. 11-0855 for the Petition fee of \$130.00 as set forth in C.F.R. § 1.17(h).

The reason for the present Petition is the need for the Examiner's consideration of references in the Information Disclosure Statement. These references are listed on PTO/SB/08 attached to the Information Disclosure Statement.

In view of the foregoing, Applicant requests that this petition be granted, and that the Information Disclosure Statement be considered by the Examiner in the Continued Examination of this application.

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Respectfully submitted,

By: Robert E. Richards
 Reg. No. 29,105

KILPATRICK STOCKTON LLP
 Suite 2800, 1100 Peachtree Street
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 Our File: 05213-0924 (43170-287649)

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OFFICE OF PETITIONS

<p align="center">REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</p> <p>Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995</p>	Application Number	1020177
	Filing Date	July 10, 2003
	First Named Inventor	D'Amato
	Group Art Unit	1621
	Examiner Name	Witherspoon, Sikarl A.
	Attorney Docket Number	05213-0924 (43170-287649)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may file a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered)
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
 - iii. ☐ Other
- b. ☐ Enclosed
 - i. ☐ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☒ Information Disclosure Statement (IDS)
 - iv. ☐ Other

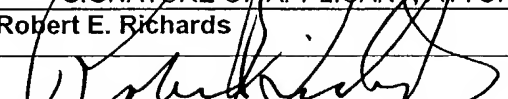
2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

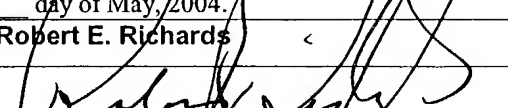
3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ Check in the amount of \$770.00 is enclosed for the following fees:
 - i. ☒ RCE fee under 37 C.F.R. § 1.17(e), REQUIRED when filing the RCE.
 - ii. ☐ Extension of time fee under 37 C.F.R. 1.136 and 1.17.
- b. ☒ The Director is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account No. 11-0855

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Type Name	Robert E. Richards	Reg. No. 29,105
Signature		Date July 29, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this _____ day of May, 2004.</p>		
Type Name	Robert E. Richards	
Signature		Date July 29, 2004